



# SUE JESKEWITZ

State Representative • 24th Assembly District

---

**Eliminating Same Day Voter Registration – AB158**  
**Committee on Elections and Constitutional Law**  
**January 10, 2007**

**AB 158 Talking Points**

- Wisconsin is only one of six states that allow same day voter registration;
- Same day registration creates additional challenges to ensuring the accuracy of the electorate;
- In the November 2006 election 20 percent of all voters registered at the polls on election day;
- In the November 2004 election, 20.3 percent of the electorate registered at the polls;
- Votes are cast and counted before verification can be done;
- Eliminating same day registration does not take away anybody's rights or disenfranchise anyone;
- Per federal law, doing so would automatically require Wisconsin to make voter registration accessible in other government locations such as at the Department of Motor Vehicles, County and other offices handling public benefits and services to the disabled and armed forces recruitment offices





## LEAGUE OF WOMEN VOTERS® OF WISCONSIN EDUCATION FUND

122 State Street, #201A  
Madison, WI 53703-2500

Phone: (608) 256-0827  
Fax: (608) 256-1761

<http://www.lwwwi.org>  
[lwwwisconsin@lwwwi.org](mailto:lwwwisconsin@lwwwi.org)

January 10, 2008

To: Assembly Committee on Elections and Constitutional Law

Re: Opposition to Assembly Bill 158

Wisconsin boasts a one of the highest voter turnout rates in our nation.<sup>i</sup> Just last month, our election day administration was praised in a five-state study by Ohio State University<sup>ii</sup>:

“Since 1976, the state has permitted voters to register at the polls on Election Day, a reform that has spurred exceptionally strong turnout. Wisconsin has mostly been free of the accusations that have dogged some election officials in other states, particularly those elected on a partisan basis.”

We cannot let this stop. The League of Women Voters strenuously opposes AB 158, which would eliminate election day registration and would increase the residency requirement from 10 to 14 days. These are unnecessary barriers to voting. The passage of AB 158 would certainly result in the disenfranchisement of Wisconsin citizens.

Proponents of this bill have suggested that it is an individual's responsibility to register in order to exercise the right to vote. While that may be true, we are not convinced that the more than 10% of Wisconsin voters who registered to vote on election day were acting irresponsibly.<sup>iii</sup> Election day registrations result from voters who have recently moved or who know they can take care of all of their voting procedures at once. Also, election day registration ensures that, should any human error have entered into a voter's registration, that citizen can still exercise his/her constitutional right to vote simply by going to the polls. This is an important safeguard in light of recent findings by the Legislative Audit Bureau<sup>iv</sup> and the Ohio State University study that our Statewide Voter Registration System still needs improvement.

In particular this bill would disenfranchise more mobile voters, often students and people in a lower income bracket, through the elimination of election day registration and the lengthened residency requirement from 10 to 14 days. This does nothing to protect the integrity of our electoral process but would disenfranchise two distinct and traditionally underrepresented voting blocks.

As poll workers, League members have found that election day registration makes for a smoother election administration. Voter roles can be corrected at the polls, allowing poll workers to do their job efficiently. Clerks do not have to deal, on election day, with irate voters whose registration may be missing a minor detail. According to the Election Assistance Commission, jurisdictions with election day registration in 2004 had higher registration rates and fewer inactive voters on record.<sup>v</sup>

Making voting accessible makes our democracy stronger: high voter turnout leads to a well-represented electorate and a government responsible to its people. Election day registration preserves these traditions in Wisconsin. The League of Women Voters of Wisconsin urges you to oppose this bill.

<sup>i</sup> According to the Election Assistance Commission website, [http://www.eac.gov/election\\_resources.asp?format=none](http://www.eac.gov/election_resources.asp?format=none), Wisconsin ranked had the 8<sup>th</sup> highest voter turnout in 1996; the 7<sup>th</sup> highest turnout in 1998; the 5<sup>th</sup> highest turnout in 2000; and the 14<sup>th</sup> highest turnout in 2002.

<sup>ii</sup> From Registrations to Recounts: The Election Ecosystems of Five Midwestern States, by Steven F. Huefner, Daniel P. Tokaji, and Edward B. Foley, Ohio State University Moritz College of Law, 2007, <http://moritzlaw.osu.edu/electionlaw/joyce/index.php>

<sup>iii</sup> According to the Election Assistance Commission's 2004 Election Day Survey Report data, 443,772 of Wisconsin's 4,179,774 voters (10.62%) registered on election day. ([http://www.eac.gov/election\\_survey\\_2004/html/EDS-chap%202%20voter%20reg2.pdf](http://www.eac.gov/election_survey_2004/html/EDS-chap%202%20voter%20reg2.pdf))

<sup>iv</sup> An Evaluation: Compliance With Election Laws, Wisconsin Legislative Audit Bureau, 2007, <http://www.legis.state.wi.us/lab/reports/07-16highlights.htm>

<sup>v</sup> [http://www.eac.gov/election\\_survey\\_2004/html/EDS-chap%202%20voter%20reg2.pdf](http://www.eac.gov/election_survey_2004/html/EDS-chap%202%20voter%20reg2.pdf) "Jurisdictions that allow EDR reported lower numbers of inactive voters on their rolls than other jurisdictions, 10.5 versus 15.5 percent. In addition, EDR jurisdictions have higher registration rates than other jurisdictions, 89.7 versus 78.9 for VAP and 92.2 versus 85.7 for CVAP."

January 10, 2008

To: Representative Sheryl Albers, chairperson, Representative Robin Vos, vice-chair  
and members of the Committee on Campaigns and Elections

From: Alicia Boehme, Disability Rights Wisconsin

Subject: **Assembly Bill 158**

Disability Rights Wisconsin is the Protection and Advocacy agency for the state of Wisconsin. Our mandate is to protect the rights of people with disabilities in Wisconsin.

We have serious concerns that AB 158 will discourage people with disabilities and other eligible voters from participating in the electoral process.

People in Wisconsin appreciate the ability to register to vote on Election Day. This is demonstrated by the fact that approximately 20 percent of voters utilized this option during the November 2004 presidential elections. In past national elections, Wisconsin has had one of the highest voter turn outs in the country. We should be proud.

Given its popularity, it is no surprise that people with disabilities utilize same day registration as well. As the voting rights coordinator for our agency, I make myself available to answer questions for people with disabilities on voting laws. I have received many calls from eligible voters with disabilities in the past who want to know if they can vote even though they had never voted before and were not registered. Wisconsin's same day registration election law permitted these eligible voters to register and cast a ballot.

Repealing same day registration would discourage eligible voters from voting. As it is, voters with disabilities face barriers that make it more difficult for them to cast a ballot than for others. These barriers can include not being able to cast a private and independent ballot, not being able to enter their polling site because the building is not accessible, being turned away from the polls because they do not "appear" to be eligible to vote, and lack of accessible transportation to the polls. The effects of these barriers are reflected in the statistics; individuals with disabilities vote at a rate of 15 percent below the general population.

Barriers to voting affect all voters, but barriers disproportionately impact voters with disabilities.

AB 158 would increase the number of provisional ballots cast in Wisconsin. Proving one's provisional ballot should count is significantly more difficult for people with

disabilities compared to the general population. This is because people with disabilities must often rely on special transportation that requires at least 24-hour notice to ride. A voter who casts a provisional ballot is required to prove they are eligible to cast a ballot by 4:00 PM the day after the election. Because of the time requirement to secure a ride, it would be impossible for some voters with disabilities to provide proof to the municipal clerk by the next day.

Currently our same day registration law exempts Wisconsin from the National Voter Registration Act (aka the motor voter law). Because AB 158 eliminates same day registration, Wisconsin law will need to change to comply with the motor voter law. This law requires public assistance offices and agencies that serve people with disabilities and who are primarily funded by the state to register to people to vote. This will help some people with disabilities to register to vote. However, there are many eligible voters with disabilities who are not connected to these agencies and who could be adversely affected by the elimination of same day registration. Therefore, the damage that would be caused AB 158 is not outweighed by any benefit of compliance with the National Voter Registration Act.

Furthermore, Wisconsin does not need to eliminate same day registration in order to pass a law to require social service agencies and the Department of Motor Vehicles (DMV) to register people to vote. Proactive state legislation could mandate agencies to register people to vote without eliminating same day registration.

The majority of county and municipal clerks I have spoken to feel that the most of problems they experienced during the last presidential election happened because proper procedures were not followed and there was lack of administrative planning for the high voter turnout. In part, there were not enough poll workers who were properly trained to deal with the high voter turn out. Numerous administrative errors were made, and there was not enough people power to process all of the mail-in registration forms. The clerks believe these problems, and not rampant fraud, were the reasons for Election Day problems.

There are plans in place that will help clerks to manage voter registration and that are designed to limit fraud. HAVA required that the state implement a voter registration database. Municipal clerks have been working on streamlining and enforcing their Election Day policies and procedures so they are prepared for record voter turnouts.

AB 158 will make it more difficult for people with disabilities to vote and will have the consequence of disenfranchising the disability community and others from the electoral process. We do not support AB 158, and believe that alternative solutions should be pursued that do not discourage people from voting.



## Voter Registration Deadlines

STATE	REGISTRATION DEADLINES
Alabama	10 days before an election
Alaska	30 days before an election
Arizona	29 days before an election
Arkansas	30 days before an election
California	29 days before an election
Colorado	29 days before an election
Connecticut	14 days before an election
Delaware	20 days prior to a general election and 21 days prior to any primary election
D.C.	30 days before an election
Florida	29 days before an election
Georgia	The fifth Monday before a general primary, general election, or presidential preference primary. The fifth day after the date of the call for all other special primaries and special elections
Hawaii	30 days before an election
Idaho	25 days before an election if mailed; 24 days for in person; or election day at the polls
Illinois	29 days before primary, 28 days before a general election
Indiana	29 days before an election
Iowa	Must be delivered by 5 pm 10 days before a state primary or general election, 11 days before all others or postmarked 15 or more days before an election
Kansas	Delivered 15 days before an election
Kentucky	28 days before an election
Louisiana	30 days before an election
Maine	10 business days before an election or delivered in person up to and including election day
Maryland	Postmarked 25 days before an election or received in the elections office by 9pm no later than 21 days before an election
Massachusetts	20 days before an election

Michigan	30 days before an election
Minnesota	Delivered by 5pm 21 days before an election; also election day registration at polling places
Mississippi	30 days before an election
Missouri	28 days before an election
Montana	30 days before an election
Nebraska	Received by 6pm on the second Friday before the election or postmarked by the third Friday before the election
Nevada	9pm on the fifth Saturday before any primary or general election. 9pm on the third Saturday before any recall or special election unless held on the same day as a primary or general election and then it remains the fifth Saturday
New Hampshire	Must be received by city or town clerk 10 days before an election or registration at the polls on election day
New Jersey	29 days before an election
New Mexico	28 days before an election
New York	25 days before an election
North Carolina	Postmarked 25 days before an election or received 25 days before an election in the elections office or designated voter registration agency by 5pm
North Dakota	North Dakota does not have voter registration
Ohio	Postmarked 30 days before an election or received 25 days before the election
Oklahoma	25 days before an election
Oregon	Postmarked or received 21 days before an election
Pennsylvania	30 days before an election
Rhode Island	30 days before an election
South Carolina	30 days before an election
South Dakota	Postmarked 30 days before an election or delivered 15 days before an election
Tennessee	Postmarked or received 30 days before an election
Texas	30 days before an election
Utah	Postmarked 20 days before an election
Vermont	Postmarked, submitted, or accepted by noon second Saturday before an election
Virginia	Delivered 29 days before an election
Washington	30 days before an election or delivered in-person up to 15 days before an election at a location designated by the county elections officer



West Virginia	30 days before an election
Wisconsin	Postmarked or accepted by the second Wednesday preceding election or completed in the local voter registration office 1 day before the election; or completed at the polling place on election day
Wyoming	30 days before an election or register at the polling place on election day

For more information on the Elections Reform Task Force:

Tim Storey or Jennie Drage Bowser (303) 364-7700  
or Susan Frederick (202) 624-3566

---

© 2008 National Conference of State Legislatures, All Rights Reserved

**Denver Office:** Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230 | [Map](#)

**Washington Office:** Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001

